

EXHIBIT B

Exhibit B

From: simonettil@gtlaw.com
To: anthony@fiorentinolaw.net; [Cassandra Miller](mailto:Cassandra.Miller@bankruptcypa.com); carlo@bankruptcypa.com; [Ingrid Hofeldt](mailto:Ingrid.Hofeldt@gtlaw.com); [Dan Edelman](mailto:Dan.Edelman@gtlaw.com)
Cc: Christopher.Mair@gtlaw.com; allenmayer@gtlaw.com
Subject: Ballard
Date: Thursday, January 18, 2024 12:16:31 PM
Attachments: [image002.png](#)
[image001.png](#)

Caution: External (simonettil@gtlaw.com)

Sensitive Content [Details](#)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

This is further to the parties' discussions regarding the new searches proposed by plaintiffs. As promised, we have reviewed the operative pleading and deposition testimony in an attempt to understand how the searches align with the pending claims. We are not convinced that they do, but have concluded that these issues are better raised on a substantive, rather than discovery, motion.

Accordingly, NSL will run the searches on the FFELP data available on its servicing system. NSL will treat your email forwarding the searches as a discovery request served today, and will provide a written response by Monday, February 19, 2024, subject to extension if NSL encounters unforeseen difficulty with the searches. In addition, NSL reserves all arguments as to the impropriety of any informal amendment of the pleading, Rule 23 requirements or any other issues.

However, under applicable law, NSL is not required to access and revive the offline ED data, and it will not do so. Mr. Theurer discussed some of the problems related to that data at his deposition, and the burdens related to attempting to use it, but you should also know that the data does not contain any personal identifying information about the ED borrowers (e.g., name, address, phone numbers). ED allowed only the social security numbers to be retained in preparation of the cold storage data set. Those socials subsequently were converted to unique numbers. While NSL could decrypt those unique numbers back to socials, it simply does not have any link to personal identifying information for the borrowers. As discussed, Maximus/Fiserv have custody and possession of the ED data in connection with the ongoing servicing operation.

Please let us know if you wish to discuss any of the above.

Lisa Simonetti
Shareholder

Greenberg Traurig, LLP
1840 Century Park East | Suite 1900 | Los Angeles, CA 90067-2121
T +1 310.586.7824 | F +1 310.586.7800 | C +1 310.365.5717
simonettil@gtlaw.com | www.gtlaw.com | [View GT Biography](#)





If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.